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September 22, 2022

**VIA ECF**

The Honorable Margo K. Brodie  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

RE: *In re Payment Card Interchange Fee and Merchant Discount  
Antitrust Litigation*, No. 05-MD-1720 (MKB)(VMS)

Dear Judge Brodie:

We write on behalf of defendants in the Rule 23(b)(3) class action with respect to the September 8, 2022 motion to intervene in the referenced action filed by proposed intervenors Jack Rabbit, LLC and 280 Station LLC (d/b/a Cowboys). In response to this filing, co-lead class counsel filed a letter on September 15, 2022 (Dkt. No. 8710) explaining that the Court does not presently have jurisdiction to address proposed intervenors' motion, which should therefore be denied.

Defendants join class plaintiffs' position, which provides a threshold basis for denying the proposed intervenors' motion. Should the Court nonetheless determine that it would benefit from briefing of any additional issues prior to ruling on proposed intervenors' motion, defendants respectfully request the opportunity to confer with proposed intervenors and class plaintiffs to establish a briefing schedule pursuant to Your Honor's Individual Rules 3(c) and (d).

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Respectfully submitted,

/s/ Boris Bershteyn  
Boris Bershteyn

cc: All counsel of record (via ECF)